

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO, ET AL.,

Plaintiffs,

v.

CITY OF OAKLAND, ET AL.,

Defendants.

No. C 06-05517 MHP (EMC)

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

This action proceeded before Magistrate Judge Edward Chen. The Magistrate Judge held a hearing on a motion for preliminary injunction and filed a report and recommendation on August 14, 2007, recommending that a preliminary injunction be issued against defendants.

The report and recommendation was filed on August 14, 2007. The parties were given an abbreviated deadline for filing objections, consistent with the exigencies of the events giving rise to this motion. The designated time within which to file objections has expired and no objections have been filed. This court has reviewed the Report and Recommendation and finds that it is supported by the facts and record in this case and by the relevant case law relied upon by the Magistrate Judge. For the purposes of a preliminary injunction, plaintiffs have sufficiently established that the new ticketing policy does not serve a significant governmental interest. This court notes that it can revisit this conclusion at a later date and may consider imposing the cost of a ticket on plaintiffs at that time. If it is established that the policy was adopted for legitimate purposes unrelated to plaintiffs' actions and will be a long-standing policy for the area in question, the court may impose the costs of tickets upon plaintiffs.

Therefore, the report and recommendation is adopted in its entirety.

1 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation is
2 ADOPTED in its entirety and the motion for a preliminary injunction is GRANTED.

3
4 IT IS SO ORDERED.

5
6 Dated: August 15, 2007



MARILYN HALL PATEL
United States District Court Judge
Northern District of California